



Compassionate release hearing

Under section 41(3) of the Parole Act 2002

Jason August REIHANA

Date of Hearing: 9 July 2019
at New Zealand Parole Board Head Office, on papers

Members of the Board: Mr N Trendle – Panel Convenor
Ms S Driver
Ms G Hughes

DECISION OF THE BOARD

1. Jason August Reihana was sentenced to life imprisonment for murder on 29 June 2007. A minimum period of imprisonment of 21 years was imposed. He is not eligible to be considered for parole prior to 2026.
2. On 5 June 2019 the Board considered an application for Mr Reihana's release on compassionate grounds. For the reasons set out in the Board's decision of that date the application was declined, but leave was given for a further application should his circumstances change.
3. Since the date of that decision Mr Reihana's health has deteriorated further. A subsequent application dated 5 July 2019 was considered by the Chairperson and pursuant to section 41(1) of the Parole Act 2002, he has referred the application for consideration.

4. In its decision of 5 June 2019, the Board accepted that the ground under section 41(1)(b) of the Parole Act was satisfied in that Mr Reihana was seriously ill and unlikely to recover. The information before us today is unchanged and we find that criterion met.
5. The Board, however, is required to consider the broader question of whether Mr Reihana's release on compassionate grounds would pose an undue risk to the safety of the community. In its earlier decision the Board raised two concerns. The first related to the circumstances surrounding Mr Reihana's care and welfare upon his release from prison. In the additional information before us today, provided by the health centre manager at Waikeria Prison, the arrangements made for Mr Reihana's care if he were to be released to [withheld] are outlined. It seems to us that those arrangements are comprehensive and sufficient.
6. The Board's second concern when it considered the previous application related to Mr Reihana's reaction when under stress and things did not go his way. That raised questions as to the safety of those who would come into contact with him in an unsecure environment. Two examples of that reaction were referred to. That concern is specifically addressed in the memorandum from the health centre manager. In referring to Mr Reihana's deteriorating physical condition, the report informs that he is no longer able to walk around the compound or engage in any physical activity. His energy levels are dropping. His ability to mobilise is getting less by the day. He needs personal assistance to meet basic needs. The comment made that his ability to carry out a violent act is such that "he cannot lift a hand in violence". We note also, arrangements are in place to provide support in case of an emergency.
7. Having regard to his declining physical health and the arrangements that are referred to by the health centre manager, the Board is satisfied that Mr Reihana's release on compassionate grounds will not pose an undue risk to the safety of the community
8. To allow sufficient time for the arrangements to be made to provide the equipment and other requirements at his proposed release address, the Board directs his release from prison on Wednesday 17 July 2019. Mr Reihana will then be subject to standard conditions for life and the following special conditions for a period of 12 months. Should the special conditions require adjustment or their term extended, an application for a variation of his release conditions can be made.
9. Mr Reihana's special conditions are as follows:

- (1) To reside at [withheld] or any other address approved in writing by a Probation Officer, and not move from that address unless you have the prior written approval of a Probation Officer.
- (2) Not to leave your approved address unless you are either accompanied by a person approved by a Probation Officer, or you have the approval of a Probation Officer, or in the case of a medical emergency.
- (3) Not to enter Te Awamutu without the prior approval of a Probation Officer.
- (4) To submit to electronic monitoring as directed by a Probation Officer in order to monitor your compliance with any condition relating to your whereabouts.
- (5) To comply with the requirements of electronic monitoring and provide unimpeded access to your approved residence by a probation officer and representatives of the monitoring company for the purpose of maintaining the electronic monitoring equipment as directed by a Probation Officer.
- (6) Not to have contact or otherwise associate with any victim of your offending, directly or indirectly, unless you have the prior written approval of a Probation Officer.
- (7) Not to have contact or otherwise associate with [withheld], or any other person or class of person identified in writing by a Probation Officer, directly or indirectly, unless you have the prior written approval of a Probation Officer.

Mr N Trendle
Panel Convenor